

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ALBERTO PATINO,  
MARIA DEL ROSARIO MARTINEZ,  
MARIA MARI,  
RODOLFO R. TENREIRO,  
PATRICIA GONZALES,

Plaintiffs,

V.

Civil Action No. 4:14-cv-03241

CITY OF PASADENA,  
Mayor JOHNNY ISBELL,  
Council members ORNALDO YBARRA,  
BRUCE LEAMON, DON HARRISON,  
PAT VAN HOUTE,  
CODY RAY WHEELER, PHIL CAYTEN,  
STEVE COTE, and  
DARRELL MORRISON,

Defendants.

**OPPOSED MOTION FOR ENTRY OF A  
PROTECTIVE ORDER REGARDING POLITICAL COMMITTEE  
AND POLITICAL CONSULTANT DOCUMENTS**

Plaintiffs in the above-captioned case hereby respectfully move this Court for the entry of a Protective Order, attached as Exhibit A. Plaintiffs further move the Court for entry of an order requiring the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong to produce the documents as ordered by the Court on February 10, 2016. Despite the Court's order, the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong have produced no documents to Plaintiffs.

On February 10, 2016, the Court ordered Citizens for Positive Change, the Yates Company, and Citizens to Keep Pasadena Strong to produce documents requested by Plaintiffs through non-party subpoenas. *See* February 10, 2016, Hearing Transcript (attached as Exhibit B).

Although the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong had asked the Court to quash Plaintiffs' subpoenas on First Amendment grounds, the Court ruled that some of the requested documents do not implicate the First Amendment privilege and thus must be produced. Those documents include: copies of invoices to the political action committees, with the amounts redacted; emails, advertisements and other documents labelled Yates 234 to 255; and emails between Mr. Yates and Spencer Neumann and other documents labelled CKPS 92-162 and 221. *See* February 10, 2016, Hearing Transcript at 4:16 – 5:11; 5:12-9:24; 10:12-16:8.

The Court further ruled that to the extent that the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong had made a prima facie showing of a First Amendment privilege, that showing was overcome by the plaintiffs' interest in obtaining the disclosures and thus the documents should be produced pursuant to a protective order limiting the use of the information to the lawsuit. Tr. 18:5-19:11; 19:12-20:2; 20:15-21:1; 26:9-27:5; 28:3-22.

At the hearing, counsel for the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong agreed to produce the requested documents by Friday, February 19, 2016. Plaintiffs and Defendant then conferred and asked the Court for an amended scheduling order to allow the parties to review and take additional discovery, if necessary, on the documents produced by the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong. The Court entered an amended scheduling order on February 12, 2016. *See* Dkt. 55.

However, the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong did not produce any documents after the hearing. On February 22, 2016, counsel for

the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong sent Plaintiffs a draft stipulated protective order that applied to all documents requested by Plaintiffs. Plaintiffs requested that the draft protective order be edited to reflect that some of the requested documents are not privileged and should be produced outside the protective order. Counsel for the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong declined to make such a change.

In the absence of an agreement, Plaintiffs request that this Court enter the protective order drafted by counsel for the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong and reflecting the modification suggested by Plaintiffs. The proposed protective order is attached as Exhibit A.

Plaintiffs further request that this Court order the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong to produce immediately the documents requested by Plaintiffs.

Dated: March 3, 2016

Respectfully submitted,

/s/ Nina Perales

Nina Perales

Attorney-in-charge

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CERTIFICATE OF CONFERENCE

The undersigned counsel hereby certifies that counsel for Plaintiffs conferred with counsel for Citizens to Keep Pasadena Strong, Citizens for Positive Change and the Yates Company regarding his clients' position on this motion on March 3, 2016. Counsel for Citizens to Keep Pasadena Strong, Citizens for Positive Change and the Yates Company indicated that his clients oppose this motion on March 3, 2016.

/s/ Nina Perales  
Nina Perales

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 3rd day of March, 2016.

/s/ Nina Perales  
Nina Perales